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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/064,790	ALLPORT, DAVID E.	
	Examiner	Art Unit	
	Shelton Austin	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to claims 1, 17, 31 and 47, a response is considered necessary for several of applicant's arguments since reference Stautner et al. (US 6,172,677) will continue to be used to meet several claimed limitations.

In response to applicant's argument (page 11, fourth paragraph) that "Stautner does not disclose displaying, in its first cell, program information, but a first source (i.e., Fig. 4, CNN, channel 22)", applicant should note that "CNN" is program information, specifically title-based program information, just as "ABC NIGHTLINE" (Fig. 4) under the 10:30pm column is title-based program information. It is by coincidence that the program title, "CNN", is the same as the source of which it is associated with. "ABC

NIGHTLINE" is associated with the source "ABC", but is indeed the title of the program in the particular column and row, or "cell". Furthermore, Stautner specifically states that "[a] cell may be associated...with an individual television program and could contain the title of a program" (col. 4, lines 37-40) and that "[e]ach of the cells shown in FIGS. 2, 3, 4 and 5 contain some type of information about the particular contents [e.g. "program information"] available from a source" (col. 6, lines 8-10). Therefore, Stautner teaches "displaying in a first cell formed at an intersection of a first row and a first column, program information for a first program associated with a first source" as recited in the claims.

Claim Objections

3. Claim 33 is objected to because of the following informalities:

In regards to claim 33, the claim recites "The apparatus recited in claim 1, wherein..." when there is no apparatus recited in claim 1. For examining purposes, "The apparatus recited in claim 1, wherein..." in line 1 of claim 33 has been changed to "The apparatus recited in claim 31, wherein..." Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Allowance of application claims 1, 3-7, 9-12, 15-17, 19-21, 23-26, 29-31, 33-37, 39-42, 45-47, 49-51, 53-56 and 59-60 of the present application would result in an unjustified time-wise extension of the monopoly previously granted for the invention as specified in Allport, Patent No. US 6,483,548, claims 1-11, therefore obviousness-type double patenting is proper.

6. Claims 1, 3-7, 9-12, 15-17, 19-21, 23-26, 29-31, 33-37, 39-42, 45-47, 49-51, 53-56 and 59-60 of the present application are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of Allport, U.S. Patent No. 6,483,548 ("Allport Patent"), in view of Nelson, US Patent No. 5,710,605 ("Nelson"). Although the conflicting claims are not identical, they are not patentably distinct from each other because they are different definitions or descriptions of the same subject matter varying in breadth. For example, note the following relationship between the instant application claims and the patented claims.

a) the preamble of application claim 1 corresponds to the preamble of patented claim 1;

b) the claimed "defining a logical grid on said display of the remote control..." (lines 3-5) step of application claim 1 corresponds to the "defining a grid on the display..." (lines 5-8) step of patented claim 1;

c) the claimed "displaying in a first cell formed at an intersection of a first row and a first column..." (lines 6-9) step of application claim 1 corresponds to the "displaying in a first cell formed at the intersection of a first row and a first column..." (lines 9-11) step of patented claim 1;

d) the claimed "displaying in a second cell formed at an intersection of said first row and a second column..." (lines 10-12) step of application claim 1 corresponds to the "displaying in a second cell formed at an intersection of the first row and second column..." (lines 12-14) step of patented claim 1;

It would have been obvious to one of ordinary skill in the art to readily recognize that the conflicting claims are different definitions or descriptions of the same subject matter varying in breadth. In this case, the Allport application claims "A method of displaying electronic program guide (EPG) data *on a remote control comprising a*

display" whereas the Allport patent claims "A method of displaying electronic program guide (EPG) data on *a display*."

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Allport Patent to include the program guide of the Allport Patent in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

Claims 3, 19, 33 and 49 of the application correspond to claim 2 of the patent.

Claims 4, 20, 34 and 50 of the application correspond to claim 3 of the patent.

Claims 5 and 35 of the application correspond to claim 4 of the patent.

Claims 6, 7, 21, 36, 37 and 51 of the application correspond to claim 5 of the patent.

Claims 9-12, 23-26, 39-42 and 53-56 of the application correspond to claim 6 of the patent.

Claims 15, 29, 45 and 59 of the application correspond to claim 11 of the patent.

Claims 16, 30, 46 and 60 of the application correspond to claims 7, 9 and 10 of the patent.

Claims 17, 31 and 47 of the application correspond to claim 1 of the patent.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-7, 9-21, 23-37, 39-51 and 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. (US 6,172,677) in view of Nelson (US 5,710,605).

In regards to claim 1, Stautner et al. ("Stautner") teaches an electronic program guide (EPG) comprising:

defining a logical grid on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each said column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

displaying in a first cell formed at an intersection of a first row and a first column, program information for a first program associated with a first source (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—"CNN" is title-based, just as "ABC NIGHTLINE" under the "10:30pm" column is title-based) and the first source being one of a channel and a category (Fig. 4—the source that the program on channel 22, "CNN", is associated with is of the category "NEWS"); and

displaying in a second cell formed at an intersection of said first row and a second column, program information for a second program associated with a second source (Fig. 4—LOCAL NEWS, channel 51).

Stautner teaches displaying the described program guide on a personal computer display, however, fails to specifically teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 2, Stautner teaches the step of displaying in a third cell within a second row, program information for a third program, wherein said first, second, and third programs satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 3, Stautner teaches wherein said program information for said first and second programs comprise title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

In regards to claim 4, Stautner teaches wherein said first and second programs are associated with a first program category (Fig. 4—NEWS describes the category of the first row of the EPG).

In regards to claim 5, Stautner teaches wherein said first and second programs are associated with a first program category and said third program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 6, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 7, Stautner teaches wherein a first icon associated with said first program category is displayed on said display and a second icon associated with said second program category is displayed on said display (Figs. 2, 3 & 4—the triangle,

upside down triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19 & 36-37).

In regards to claim 9, Stautner teaches wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 10, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 11, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 12, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 13, Stautner teaches the step of displaying a physical representation of at least a portion of said grid on said display (Fig. 4—rows and columns).

In regards to claim 14, Stautner teaches the step of displaying on said display at least one of the times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 15, Stautner teaches wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

In regards to claim 16, Stautner teaches wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

In regards to claim 17, Stautner teaches a method of displaying electronic program guide (EPG) data on a remote control comprising a display, comprising:

defining a logical grid on said display of the remote control, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

displaying in a first cell formed at an intersection of a first column and a first row, program information for a first program associated with a first source (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—"CNN" is title-based, just as "ABC NIGHTLINE" under the "10:30pm" column is title-based) and

the first source being one of a channel and category (Fig. 4—the source that the program on channel 22, "CNN", is associated with is of the category "NEWS").

Stautner fails to explicitly teach displaying in a second cell formed at an intersection of a second column and a second row, program information for a second program associated with said first source.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the display of the individual cells in order to place program information at the intersection of a second column and a second row that is associated with the first source because the user can issue a command to the system that causes a rearrangement and resorting of the display of the individual cells, as taught by Stautner, in order to provide a more convenient program guide to a user based upon that user's interest (Stautner: Fig. 4; col. 3, lines 22-23; col. 8, lines 4-6).

Also, in regards to claim 17, Stautner teaches displaying the described program guide on a personal computer display, but fails to specifically teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television,

videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 18, Stautner teaches wherein said first and second programs satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 19, Stautner teaches wherein the program information for said first and second programs comprises title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

In regards to claim 20, Stautner teaches wherein said first program is associated with a first program category and said second program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 21, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 23, Stautner teaches wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 24, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 25, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 26, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 27, Stautner teaches displaying a physical representation of at least a portion of said grid on said display (Fig. 4—rows and columns).

In regards to claim 28, Stautner teaches displaying on the display at least one of the times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 29, Stautner teaches wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

In regards to claim 30, Stautner teaches wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

In regards to claim 31, Stautner teaches an apparatus for displaying an electronic program guide (EPG) data comprising:

a personal computer system display screen (Fig. 4);

a logical grid defined on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each said column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

program information for a first program associated with a first source displayed in a first cell formed at an intersection of a first row and a first column (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—"CNN" is title-based, just as "ABC NIGHTLINE" under the "10:30pm" column is title-based) and the first source being one of a channel and category (Fig. 4—the source that the program on channel 22, "CNN", is associated with is of the category "NEWS"); and

program information for a second program associated with a second source displayed in a second cell formed at an intersection of said first row and a second column (Fig. 4—LOCAL NEWS, channel 51).

Stautner teaches displaying the described program guide on a personal computer display. Stautner, however, fails to teach a remote control capable of sending wireless commands and a display incorporated on the remote control where a logical grid is displayed.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 32, Stautner teaches program information for a third program displayed in a third cell within a second row, wherein said first, second, and third programs satisfy criteria associated with single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 33, Stautner teaches wherein said program information for said first program and said second program comprises title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

In regards to claim 34, Stautner teaches wherein said first program and second program are associated with a first program category (Fig. 4—NEWS describes the category of the first row of the EPG).

In regards to claim 35, Stautner teaches wherein said first program and said second program are associated with a first program category and said third program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 36, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 37, Stautner teaches wherein a first icon associated with the first program category is displayed on said display and a second icon associated with said second program category is displayed on said display (Figs. 2, 3 & 4—the triangle,

upside down triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19 & 36-37).

In regards to claim 39, Stautner teaches wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 40, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 41, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 42, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 43, Stautner teaches a display of a physical representation of at least a portion of said grid (Fig. 4—rows and columns).

In regards to claim 44, Stautner teaches a display of at least one of said times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 45, Stautner teaches wherein said first program comprises at least two cells to which a timeslot is associated therewith (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

In regards to claim 46, Stautner teaches wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

In regards to claim 47, Stautner teaches an apparatus for displaying electronic program guide (EPG) data comprising:

a personal computer system display screen (Fig. 4);

a logical grid defined on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

program information for a first program associated with a first source displayed in a first cell formed at an intersection of a first column and a first row (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—"CNN" is title-based, just as "ABC NIGHTLINE" under the "10:30pm" column is title-based) and

the first source being one of a channel and category (Fig. 4—the source that the program on channel 22, "CNN", is associated with is of the category "NEWS").

Stautner fails to explicitly teach program information for a second program associated with a first source displayed in a second cell formed at an intersection of a second column and a second row.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the display of the individual cells in order to place program information at the intersection of a second column and a second row that is associated with the first source because the user can issue a command to the system that causes a rearrangement and resorting of the display of the individual cells in order to provide a more convenient program guide to a user based upon that user's interest (Fig. 4; col. 3, lines 22-23; col. 8, lines 4-6).

Also, in regards to claim 47, Stautner teaches displaying the described program guide on a personal computer display. Stautner, however, fails to specifically teach a remote control capable of sending wireless commands and a display incorporated on the remote control where a logical grid is displayed.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of

Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 48, Stautner wherein said first program and said second program satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 49, Stautner teaches wherein said program information for said first program and said second program comprises title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

In regards to claim 50, Stautner teaches wherein said first program is associated with a first program category and said second program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 51, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 53, Stautner teaches wherein said data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 54, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 55, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 56, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 57, Stautner teaches a display of a physical representation of at least a portion of said grid (Fig. 4—rows and columns).

In regards to claim 58, Stautner teaches a display of at least one of said times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 59, Stautner teaches wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

In regards to claim 60, Stautner teaches wherein said program content represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

9. Claims 1, 2, 8, 17, 18, 22, 31, 32, 38, 47, 48 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner in view of Darbee et al. (US 6,130,726).

The limitations of claims 1, 2, 17, 18, 31, 32, 47 and 48 in regards to Stautner have been discussed above. Again, Stautner fails to clearly teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, Darbee et al. ("Darbee") teaches a program guide on a remote control display (Fig. 1—14). The remote control has a graphic display for depicting program scheduling and/or advertising without causing an interruption in viewing content (col. 2, lines 46-449).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Stautner to include the program guide of Stautner in the remote control of Darbee in order to deliver both program scheduling and advertising data to a user without causing an interruption in any programming that currently is being viewed by the user (col. 2, lines 29-32).

In regards to claims 8, 22, 38 and 52, Stautner fails to clearly teach the data is displayed in a font or set of fonts having predetermined size and shape attributes to suit said logical user.

In analogous art, Darbee teaches the ability to vary the size of the font(s) used for the program guide as well as the ability to use different character sets and languages on the display of the remote control unit (col. 10, lines 51-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to allow the data to be displayed in different, predetermined sizes and shapes chosen by the user, as taught by Darbee, in order to enable users with impaired vision to more easily view the data or to enable users with better-quality vision to view more information in the same area (Darbee: col. 10, lines 54-59).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,758,259, Lawler, teaches an electronic program guide with a criteria panel which identifies multiple different criteria for selecting preferred programming and a grid with program titles listed in columns and rows according to the certain criteria.

US 6,532,592, Shintani et al., teaches a remote control unit that can receive electronic program guide information from a television and display the program guide on a display device on the remote control.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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